

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Wisconsin Resources Protection
Council, Center for Biological
Diversity, and Laura Gauger,

Plaintiffs,

v.

Case No. 11-cv-45

Flambeau Mining Company,

Defendant.

**DECLARATION OF JAMES N. SAUL IN OPPOSITION TO THE STATE OF
WISCONSIN'S MOTION FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF**

James N. Saul declares as follows under penalty of perjury pursuant to 28 U.S.C.
§ 1746:

1. I make these statements based upon personal knowledge.
2. I am one of the attorneys for Plaintiffs in the above-captioned civil action.
3. In May of 2011, on behalf of Plaintiffs, I sought to obtain an affidavit from the Wisconsin Department of Natural Resources ("WDNR") that would serve to authenticate agency documents and introduce certain facts that would obviate the need for the Fed. R. Civ. P. 30(b)(6) deposition of the WDNR in this case. I was informed by WDNR Staff Attorney Margaret Hoefer that it was WDNR policy not to submit affidavits in cases to which it was not a party, and that the agency would prefer to have its employees deposed so as to avoid the appearance that it was aligned with any

particular party in this lawsuit. To date, WDNR has declined to execute any affidavits on behalf of Plaintiffs in this case.

PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF PERJURY THAT THE STATEMENTS IN THIS DECLARATION ARE TRUE AND CORRECT AND BASED UPON MY PERSONAL KNOWLEDGE.

Executed this 24th day of January, 2012.

/s/ James N. Saul